

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Located in Baltimore

IN RE

DENISE JOAN GRUIN

Debtor

Case No. 19-15054-TJC
Chapter 7

NATIONSTAR MORTGAGE LLC D/B/A
MR. COOPER
8950 Cypress Waters Blvd
Coppell, TX 75019

Movant

v.

Motion No.

DENISE JOAN GRUIN
212 Edenderry Avenue
Centreville, MD 21617

and

MONIQUE D. ALMY
CHAPTER 7 TRUSTEE
Crowell & Moring
1001 Pennsylvania Avenue, N.W. 10th
Floor
Washington, DC 20004-2595

Respondents

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, Nationstar Mortgage LLC d/b/a Mr. Cooper, its successors and/or assigns, movant, by its attorneys, Mark D. Meyer, Esq., and Rosenberg & Associates, LLC, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f).
2. On or about April 12, 2019, Denise Joan Gruin ("Debtor") filed a Voluntary Petition in the Court under Chapter 7 of the Bankruptcy Code.
3. Monique D. Almy is the Chapter 7 trustee of the Debtor's estate.
4. At the time of the initiation of these proceedings, the Debtor owned a parcel of fee simple real estate improved by a residence with a legal description of "BEING LOT 16, AS SHOWN ON A PLAT ENTITLED, "PHASE ONE, NORTH BROOK", AS PER PLAT THEREOF RECORDED AMONG THE LAND RECORDS

MARK MEYER
DC BAR 475552
MD BAR 15070
VA BAR 74290

ROSENBERG &
ASSOCIATES, LLC
4340 East West Highway
SUITE 600
BETHESDA, MD 20814
(301) 907-8000
FILE NUMBER: 75384

OF QUEEN ANNE'S COUNTY, MARYLAND IN PLAT BOOK S.M. 28 AT FOLIO 66A THRU 66H. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 212 EDENDERRY AVENUE." also known as 212 Edenderry Ave, Centreville, MD 21617 (hereinafter "the subject property").

5. The subject property is encumbered by a Deed of Trust securing the note, which is currently held by the movant. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

6. Nationstar Mortgage LLC d/b/a Mr. Cooper directly or through an agent, has possession of the promissory note and held the note at the time of filing of the Movant's Motion for Relief from the Stay. The promissory note has been duly indorsed.

7. The total amount due under the Deed of Trust securing the Movant as of April 16, 2019, including attorney's fees and court costs, is approximately \$421,337.50.

8. The Debtor is in default under the Deed of Trust, and the Movant has accelerated the entire balance of the Note and Mortgage and interest continues to accrue.

9. The Debtor is behind in his/her monthly mortgage payments, and equity in the Debtor's residence is dissipating.

10. The Movant lacks adequate protection of its interest in the subject property.

11. The Movant has been and continues to be irreparably injured by the stay of Section 362 of the Bankruptcy Code, which prevents the Movant from enforcing its rights under the Note and Deed of Trust.

12. Cause exists for lifting the automatic stay imposed by Section 362 of the Bankruptcy Code to enable the Movant to enforce its rights under its Note and Deed of Trust.

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WHEREFORE, the Movant, Nationstar Mortgage LLC d/b/a Mr. Cooper its successors and/or assigns, respectfully requests that this Honorable Court:

1. Enter an order terminating the automatic stay imposed by Section 362 of the Bankruptcy Code to enable it to proceed with a foreclosure sale, accept a deed in lieu or agree to a short sale of the real property and improvements located at 212 Edenderry Ave, Centreville, MD 21617; and
2. Grant such other and further relief as may be just and necessary.

/s/ Mark D. Meyer, Esq.

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Federal Bar 15070

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of April, 2019, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Motion for Relief from the Automatic Stay will be served electronically by the Court's CM/ECF system on the following:

Monique D. Almy, Trustee

Andrea Ross, Esquire

I hereby further certify that on the 23rd day of April, 2019, a copy of the foregoing Motion for Relief from the Automatic Stay was also mailed first class mail, postage prepaid to:

Denise Joan Gruin
212 Edenderry Avenue
Centreville, MD 21617

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.

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